IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	Veli-Matti JUUTI *et al.*	Confirmation No.:	6626
Application No.:	09/914,953	Examiner:	Daniel Jr., Willie J.
Filed:	March 8, 2000	Group Art Unit:	2617

For: CAMPING IN AN EXCLUSIVE CELL

Commissioner for Patents
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants respectfully request a pre-appeal brief review be made of the present application for at least the following clear errors.

I. SUMMARY

The claimed invention provides for cell selection in a mobile telecommunications network and, in particular, to preventing some subscribers from camping in an exclusive access cell while providing a limited service state to those non-subscribers to the exclusive service cell so as to allow emergency calls.

II. ISSUES

1. Whether claim 38, rejected under the first paragraph of 35 U.S.C. § 112, relies on an inadequate written description for the claimed feature of "other than the location areas and the exclusive location areas"?

2. Whether claims 22-27 and 29-38 are obvious under 35 U.S.C. § 103 based on *Salmela et al*. (WO 98/30056) in view of *Nordstrand* (US 6,334,052) and *Seppanen et al*. (US 5,903,832)?

3. Whether claim 28 is obvious under 35 U.S.C. § 103, based on *Salmela et al*. (WO 98/30056) in view of *Nordstrand* (US 6,334,052), *Seppanen et al*. (US 5,903,832), and *Rune* (US 6,212,3990)?

III. ARGUMENTS

1. The Examiner's rejection of claim 38 under the first paragraph of 35 U.S.C. § 112 is factually flawed because there is adequate support for the claimed feature of "other than the location areas and the exclusive location areas" in claim 38.

A review of paragraph [0024] of the specification, for example, reveals that "the exclusive access cells and the non-exclusive access cells of one location service area should have different location areas"; and that it "is also possible that the exclusive access cells of one local service area belong to different exclusive location areas. So cells with different location area codes LAC may have the same location service area identities LSA ID(s). The exclusive location areas may comprise cells from a plurality of localized service areas." Thus, the exclusive and non-exclusive access cells of one location service area have different location areas within the one location service area, **but the exclusive access cells of that one location service area may belong to different exclusive location areas**. Therefore, these exclusive (special service) cells are grouped to form a localized service area, "which is other than the location areas and the exclusive location areas." It is noted that a "localized service area" refers to the service area to which the exclusive access cells belong, and that this "localized service area" is different

from the "one location service area" and is also different from the "exclusive location areas" within the one location area.

Since there is clear support, at paragraph [0024] of the specification, for the claimed feature of "other than the location areas and the exclusive location areas," in claim 38, the Appeals Panel is respectfully requested to reverse the Examiner's rejection of claim 38 under the first paragraph of 35 U.S.C. § 112.

2. Claims 22-27 and 29-38 are not obvious under 35 U.S.C. § 103.

The Examiner has inserted the same misunderstanding apparently applied in the rejection under 35 U.S.C. § 112 into the obviousness rejection. That is, the Examiner's rationale is based on the flawed premise that a "location area" is the same as, and interchangeable with, a "localized service area." Such is not the case.

Thus, when applying *Salmela et al*. to the claim feature "so that a location area is either an exclusive location area or a non-exclusive location area," the Examiner uses LSA1 or cell 1 as an example of an exclusive location area. However, *Salmela et al*. merely teaches that local service area LSA1 comprises cells C1-C3 and the reference provides no other explanation regarding the properties of these cells. Accordingly, there is **no basis for the Examiner's conclusion that the localized service areas in *Salmela et al*. disclose or suggest that a location area is either an exclusive one or a non-exclusive one**.

Nordstrand teaches controlling access to a cell by subscription data, i.e., special service areas are subscriber-specific. Therefore, the disclosed service areas correspond to LSAs as defined in *Salmela et al*. Since *Salmela et al*. teaches implementation of LSAs with handover and *Nordstrand* teaches implementing the LSA in idle mode, the combination of references may suggest an implementation of LSAs regardless of the state of the mobile station and may also

suggest checking the state of the mobile station during location update and then continuing on as in either of the references. However, this **combination still fails to teach or even suggest checking whether the new location area is an exclusive one or a non-exclusive one**, as recited by the instant claims.

Nordstrand is silent as to a location update procedure and location areas. It is true that *Seppanen et al*. suggests a mobile terminal searching for a suitable network and if a suitable network is not found, the mobile terminal enters the limited service state. However, **a suitable network is different than a suitable cell.** Therefore, *Seppanen et al*. fails to fill in the gaps of the other references since it fails to teach or suggest that when a suitable **cell** is not found, the mobile terminal enters the limited service state.

Moreover, starting at page 18 of the Final Office Action, the Examiner appears to take the position that microcells grouped for access in *Nordstrand* correspond to localized service areas and that macrocells correspond to both non-exclusive and exclusive location areas. However, the person of ordinary skill in the art would clearly understand that a macrocell, comprising microcells, does not teach or suggest a "location area," particularly not an exclusive location area and a non-exclusive location area, as claimed.

At page 5 of the Final Action, the Examiner contorts the instant claim language by interpreting the claim feature "defining some of the location areas to be exclusive location areas" to recite "defining some of the location areas to be localized service areas," explaining that an exclusive location area can be read as a localized service area. For the reasons above, they cannot be so read.

Location areas are the same for all subscribers; and they are network-specific features targeted to trigger a location update so that the subscriber can be found when needed. Localized

service areas, on the other hand, are subscriber-specific and targeted to provide different services to different subscribers.

3. Claim 28 is also not obvious under 35 U.S.C. § 103, based on *Salmela et al*. in view of *Nordstrand*, *Seppanen et al*., and *Rune* since *Rune* does not provide for the deficiencies of the other references.

III. CONCLUSION

For the foregoing reasons, the Appeal Brief Panel is respectfully requested to withdraw the rejection of the present application in light of these clear errors and allow the pending claims.

Respectfully Submitted,

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